

REMARKS

Applicants thank the Examiner for total consideration given the present application. Claims 1-22 remain pending. Claims 7 and 10 have been amended through this Reply. Claims 1 and 12 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

SCOPE OF CLAIMS NOT ALTERED

Claims 7 and 10 have been amended merely to address informal issues and to enhance clarity. It is intended that the scope of the claims remain substantially the same. Applicants respectfully submit that the amendments made to the claims do not add any new matter to the application and they are not narrowing, and are not made for a reason relating to patentability.

35 U.S.C. § 102 REJECTION – ZHANG ET AL.

Claims 1, 3-5, 10-12, 14-16, and 21-22 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Zhang et al. (US 2004/0264780 A1) (hereinafter “Zhang”). Applicants respectfully traverse this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02*. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Zhang fails to teach or suggest each and every claimed element. For example, independent claim 1 recites,

A computer-based method for organizing digital photos, comprising:
extracting objects of interest from a plurality of digital photos;
cropping said plurality of digital photos to generate images of
isolated objects of interest;
applying an object recognition algorithm to determine the
similarity of isolated objects with a reference model;

displaying a plurality of objects arranged as a function of the determined similarity; and

receiving user input to associate said objects with a particular classification.

Zhang discloses a photo management method, which detects faces from an image (paragraph [0044]). Zhang's method also includes a facial extraction process (paragraphs [0045] and [0048]). The Office Action alleges that Zhang teaches a method for organizing digital photos where the method includes extracting objects of interest (paragraph [0043]) and cropping digital photos to generate images of isolated objects of interest (paragraph [0083]). In addition, Zhang's method uses a maximum a posteriori (MAP) estimation to determine a similarity between extracted features and a reference model (paragraphs [0051]). However, Zhang fails to teach or suggest "cropping said plurality of digital photos to generate images of isolated objects of interest, applying an object recognition algorithm to determine the similarity of isolated objects with a reference model, and displaying a plurality of objects arranged as a function of the determined similarity", as recited in claim 1. Although Zhang extracts and crops face images, Zhang does not generate images of isolated objects of interest and display the plurality of objects arranged as a function of the determined similarity. Zhang merely performs feature extraction to identify a person or an object from multiple images and generate a list of candidate names based on a similarity classification (paragraphs [0076]).

Furthermore, Zhang fails to teach or suggest, "receiving user input to associate said objects with a particular classification", as recited in claim 1. Zhang merely requests annotated face or name to search from a photo database.

Therefore, for at least these reasons, independent claims 1 and 12 are distinguishable from Zhang. Claims 3-5, 10-11, 14-16, and 21-22 depend from claims 1 and 12, directly or independently. Therefore, for at least the reasons stated with respect to claims 1 and 12, claims 3-5, 10-11, 14-16, and 21-22 are also distinguishable from Zhang.

Accordingly, Applicant respectfully requests that the rejection of claims 1, 3-5, 10-12, 14-16, and 21-22, based on Zhang, be withdrawn.

35 U.S.C. § 103 REJECTION – ZHANG IN VIEW OF HANNA ET AL. AND
GRIGORIEVICH ET AL.

Claims 2 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhang in view of Hanna et al. (US 6,714,665 B1) (hereinafter “Hanna”) and Grigorievich et al. (US 6,751,353 B1) (hereinafter “Grigorievich”). Applicants respectfully traverse.

As presented above, Zhang fails to teach or suggest each and every claimed element. In addition, Hanna and Grigorievich fails to teach or suggest the above limitation to supplement Zhang ’s missing feature.

Accordingly, as set forth on page 4 of the Office Action, the Examiner relies on Hanna and Grigorievich as allegedly pertaining to incremental features of the above listed dependent claims. The Examiner’s reliance on Hanna and Grigorievich, however, fails to make up for the deficiencies of Zhang discussed above with respect to Claims 1 and 12. Therefore, the asserted combination of Zhang and Hanna and Grigorievich (assuming these references may be combined, which applicant does not admit) fails to establish prima facie obviousness of any pending claims.

35 U.S.C. § 103 REJECTION – ZHANG IN VIEW OF HANNA

Claims 6-8 and 17-19 stand rejected under 35 U.S.C. § 103 as allegedly unpatentable over Zhang in view of Hanna. Applicants respectfully traverse.

As presented above, Zhang fails to teach or suggest each and every claimed element. In addition, Hanna fails to teach or suggest the above limitation to supplement Zhang ’s missing feature.

Accordingly, as set forth on page 5 of the Office Action, the Examiner relies on Hanna as allegedly pertaining to incremental features of the above listed dependent claims. The Examiner’s reliance on Hanna, however, fails to make up for the deficiencies of Zhang discussed above with respect to Claims 1 and 12. Therefore, the asserted combination of Zhang and Hanna

(assuming these references may be combined, which applicant does not admit) fails to establish prima facie obviousness of any pending claims.

35 U.S.C. § 103 REJECTION – ZHANG IN VIEW OF HANNA AND FURTHER IN VIEW OF MATHE

Claims 9 and 20 stand rejected under 35 U.S.C. § 103 as allegedly unpatentable over Zhang in view of Hanna and further in view of Mathe (US 2005/0060636 A1) (hereinafter “Mathe”). Applicants respectfully traverse.

As presented above, Zhang and Hanna fails to teach or suggest each and every claimed element. In addition, Mathe fails to teach or suggest the above limitation to supplement Zhang and Hanna’s missing feature.

Accordingly, as set forth on page 8 of the Office Action, the Examiner relies on Mathe as allegedly pertaining to incremental features of the above listed dependent claims. The Examiner’s reliance on Mathe, however, fails to make up for the deficiencies of [Primary Reference] discussed above with respect to Claims 1, 6, 12, and 17. Therefore, the asserted combination of Zhang and Hanna and Mathe (assuming these references may be combined, which applicant does not admit) fails to establish prima facie obviousness of any pending claims.

35 U.S.C. § 103 REJECTION – ZHANG IN VIEW OF NEFF ET AL.

Claims 11 and 22 stand rejected under 35 U.S.C. § 103 as allegedly unpatentable over Zhang in view of Neff et al. (US 6,751,780 B1) (hereinafter “Neff”). Applicants respectfully traverse.

As presented above, Zhang fails to teach or suggest each and every claimed element. In addition, Neff fails to teach or suggest the above limitation to supplement Zhang’s missing feature.

Accordingly, as set forth on page 8 of the Office Action, the Examiner relies on Neff as allegedly pertaining to incremental features of the above listed dependent claims. The

Examiner's reliance on Neff, however, fails to make up for the deficiencies of Zhang discussed above with respect to Claims 1 and 12. Therefore, the asserted combination of Zhang and Neff (assuming these references may be combined, which applicant does not admit) fails to establish prima facie obviousness of any pending claims.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact D. Richard Anderson Reg. No. 40,439 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: July 27, 2007

Respectfully submitted,

By 

D. Richard Anderson
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant